

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks. Claims 1-13 and 44-61 are pending.

Claim Objections

Claims 52-54 and 57-59 are objected to for containing an informality. Applicants have amended these claims to correct the typographical error by replacing the semicolon with a period. Applicants request that the objection to these claims be withdrawn.

Art-Based Rejections

Claims 1-13, 44, 52-53 and 57-58

Claims 1-13, 44, 52-53 and 57-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,999,783 to Toyryla et al. in view of United States Patent Application Publication No. 2004/0082352 A1 to Keating et al. and further in view of United States Patent No. 6,600,928 to Ahya et al. Applicants have reviewed the Office Action and the cited references and respectfully traverse the rejection. Applicants have previously described the present invention, the claims and the patentable distinctions between them and the cited references of Toyryla, Keating and Ahya references. Those statements are incorporated into this response.

Applicants respectfully submit that there is a difference of opinion as to what Keating discloses as it relates to independent claims 1, 7 and 44. In particular, the Office Action cites paragraphs [0011], [0020], [0024], [0027] and [0029]-[0030] as describing the claimed initiating the dynamic group call between the first user and the group of second users after the list of dynamic group call members is validated and the first user receives the group identification. In Response to Argument section of the Office Action, FIG. 2 and the description found in paragraph [0029] is described in detail. Applicants have previously described paragraph [0029] and respectfully submit that FIG. 2 and paragraph [0029] does not disclose validating a list of dynamic group call members and providing a group identification to the list before the call is initiated.

Applicants note that neither FIG. 2 nor paragraph [0029] specifically mentions validation of the group. Applicants interpret the argument that these portions of Keating disclose the validation of the group before the initiation of the call because they state “initiate set-up of group call” in step 30 comes before “send message to begin group call” in step 42. In other words, Applicants interpret the argument to be that Keating describes validating the list of dynamic group call members of the group as a part of the step 30 and that the initiating the group call as a part of step 42. Applicants traverse this interpretation of Keating.

Applicants have previously described how paragraphs [0011], [0020], [0024], [0027] and [0030] do not disclose this feature. In fact, Applicants’ discussion demonstrates that Keating discloses validation after the initiation of the group call. See paragraph [0027], lines 8-14, where Keating suggests that the group is validated after the call has begun by stating, “The DAP 12 then receives an explicit page response for each of the participating mobile stations included in the dynamic group that provides the DAP with specific mobile station information thus verifying membership in the dynamic group as well as geographical location information in a form, such as the mobile station call location.” Listing the order of messages in this way, Applicants respectfully submit that Keating teaches that a call is initiated, i.e. begins, before the group is validated, i.e. verified.

FIG. 2 and paragraph [0029] are consistent with this argument. Applicants respectfully submit that following paragraph [0027] that paragraph [0029] is consistent with the understanding. Paragraph [0029] describes sending “a message to the DAP 12 instructing the DAP 12 to transmit a wireless group call alert list to all of the mobile stations in the dynamic group of mobile stations” as an alternative to step 42, which states that a message is sent to begin the group call. Applicants do not understand how this alternative can be construed to be the claimed validating the list before initiating the group call. The alternative described by Keating is to send a list to prepare for a call instead of sending a message to begin the call. There is no mention of this being for any other purpose than to begin the call at another time instead of beginning the call immediately. Regardless, the alternative is performed after the call has been initiated in step 30. Thus, Applicants continue to posit that paragraph [0029] is consistent with the rest of Keating and does not disclose the claimed initiating the dynamic group call between the first user and the group of second users after the list of dynamic group call members is validated and the first user receives the group identification.

FIG. 2 discloses the steps described by Keating. Keating's "FIG. 2 is a flow diagram of the methodology used for set-up of a group call in the wireless dispatch communication environment of FIG. 1." See paragraph [0008]. Applicants respectfully submits that the claimed initiating the dynamic group call between the first user and the group of second users after the list of dynamic group call members is validated and the first user receives the group identification occurs before any of the steps illustrated in FIG. 2. As previously described, the claims are directed to providing a valid group list before the group call is initiated. Thus, Keating's discussion, including any discussion of validating, describes steps that are taken after the steps claimed by Applicants.

In view of the foregoing, Applicants repeat that Keating does not disclose validating the list dynamic group call members and receiving a group identification for the dynamic call group before the call is initiated as required by claims 1, 7 and 44. It is respectfully submitted that the combination of Toyryla, Keating and Ahya does not disclose, teach or otherwise suggest the steps of the present invention. Applicants therefore respectfully submit that cited combination does not anticipate claims 1, 7 and 44. As claims 2-6 and 52-53 depend on claim 1 and claims 8-13 and 57-58 depend on claim 7, Applicants respectfully submit that the dependent claims are patentable over Toyryla, Keating and Ahya for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

Claims 54-56 and 58-61

Claims 54-56 and 58-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla, Keating and Ahya and further in view of United States Patent No. 5,631,904 to Fister et al. Claims 54-56 depend on claim 1, and claims 58-61 depend on claim 7. Applicants respectfully submit that Fister does not disclose any features that overcome the deficiencies of the other references and in particular Keating. Applicants therefore respectfully submit that these dependent claims are patentable over the cited combination for the reasons given above. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

Claims 45-51

Applicants note that claims 45-51 are still pending in this application even though the Office Action notes that they are cancelled. Applicants respectfully submit that these claims

are similar to claims previously discussed and, and as such, are patentable over the cited combination including Keating for the reasons given above.

Conclusion

As Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,
Oxley, Derek A. et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: **22917**

By: /Simon B. Anolick/
Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750